

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 15175 of 2005

Between:

Smt. B. Vijayalalitha, W/o. B. Kistappa,
R/o. Alurudinne (Vill), Devenakonda Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The District Collector, Kurnool District, Kurnool.
- 2 The Joint Collector, Kurnool, Kurnool District.
- 3 The Revenue Divisional Officer, Adoni, Kurnool District.
- 4 The Mandal Revenue Officer, Davanakonda, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in suspending the dealership in R.C.M. 1208/2004, dt. 6.12.2004 and dismissing the appeal dt. 2.5.2005 on an untenable and flimsy grounds without considering the explanation as illegal, improper, arbitrary and against principles of natural justice besides being violative of Art 14, 19, and 21 of Constitution of India, consequently direct the Respondents herein to reinstate forthwith as Fair Price Shop dealer of Alurudinne Village, Devanakonda Mandal, Kurnool District.

Counsel for the Petitioner: MR.R.RAMANJANEYULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORAL ORDER:

Against the order of the 3rd respondent dated 6.12.2004 suspending his dealership, the petitioner herein preferred an appeal to the 2nd respondent.

2. Learned counsel for the petitioner submits that during the pendency of the appeal, this Court by an order in Writ Petition No.24160 of 2004, dated 23.12.2004 stayed the order of the Revenue Divisional Officer till the appeal was finalized by the 2nd respondent.

3. The 2nd respondent, vide proceedings dated 2.5.2005, upheld the order of the 3rd respondent, against which the petitioner had preferred a Revision before the 1st respondent soon thereafter along with a stay petition. Learned counsel further submits that both the Revision and the stay petition are pending and that pending Revision before the 1st respondent, there should be stay of the order of the 2nd respondent, dated 2.5.2005.

4. Since the 1st respondent has been conferred with the power under the Act to grant stay of the order of the appellate authority pending Revision, and since it is for the 1st respondent to consider the Revision in accordance with law and decide as to whether or not stay should be granted pending final orders being passed on the Revision petition, this Court would not normally interfere in such matters. Since, however, it is contended by the learned counsel for the petitioner that the Revision Petition is being pending for nearly two months, I deem it appropriate to direct the 1st respondent to consider the Revision Petition filed by the petitioner or the stay petition filed along with the Revision, and pass appropriate orders thereon, within a period of six (06) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

14.7.2005

SSR

To

- 1 The District Collector, Kurnool District, Kurnool.
- 2 The Joint Collector, Kurnool, Kurnool District.
- 3 The Revenue Divisional Officer, Adoni, Kurnool District.
- 4 The Mandal Revenue Officer, Davanakonda, Kurnool District.

5 2 CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

6 2 CD copies

7 1 CC to MR.RAMANJANEYULU

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